(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No.199 of 2006

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

PETITIONER : Narendra Prasad Dubey, S/o Late Ayodhya Prasad Dubey, Aged about 64 years, Occupation - Retired L.D.C. Forest Department Chhattisgarh State, R/o 27/458, New Shanti Nagar, Raipur (C.G.)

Versus

RESPONDENTS :
1. State of Chhattisgarh through Principal Secretary, Ministry of Forest & Environment, Mantralaya, D.K.S.Bhawan, Raipur.
2. Principal Chief Conservator Forest, Aranya Bhavan, Jail Road, Raipur.
3. Conservator of Forest, Aranya Bhavan, Jail Road, Raipur.
4. Divisional Forest Officer, General Forest Division (North), Raipur.
5. Range Officer -II, Forest Range (General), Aranya Bhavan, Jail Road, Raipur.

Shri Uttam Pandey, Counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General with Shri Utkarsh Verma, Dy.G.A. for respondents/State

ORAL ORDER

(Passed on 16th January 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

This writ petition is filed by an ex-employee of the Forest Department claiming to be a *pro bono* public character to espouse the public interest.

2. To put it pithily, it is the contention of the petitioner that the decision of the third and fourth respondents to close forest check-post at Chandanideeh near bridge of Kharun river on National Highway No.6 near Raipur is not in the public interest and since the said check-post is ordered to be closed, there is likelihood of smuggling forest produce by the unscrupulous persons. Nothing is stated in the writ petition to bring home any mala fide against respondents 3 & 4 that they have taken the decision to close the check-post for any collateral and extraneous consideration. It is needless to state that it is within the legitimate domain of the powers of respondents No.3 & 4 to decide the point at which forest check-post should be established in national or other highways. That freedom should legitimately belong to administration of the Forest Department and that could not be meddled with or curtailed by the Court lightly without knowing the ground realities. Be that as it may, nothing is placed before the Court on the basis of which, we could possibly form an opinion that the decision of respondents 3 & 4 for closing the forest check-post at Chandanideeh near bridge of Kharun river on National Highway No.6 near Raipur is not conducive to and in the public interest.

3. This is not a fit case where the Court should step in under Articles 226 / 227 of the Constitution of India and undertake review of the impugned action of the respondents 3 & 4.

4. The writ petition is, therefore, dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sd/-
Hon'ble the Chief Justic